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SUBJECT: SRI LANKA: THESE TIGERS DON'T PURR: ANALYSIS OF
THE TAMIL TIGER POLICE AND JUDICIARY

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) and (d)

SUMMARY

1. (SBU) Summary: The Liberation Tigers of Tamil Eelam (LTTE) exercise de facto control over parts of northern and eastern Sri Lanka, and the LTTE claims to have created a separate and fully functional government infrastructure within the areas it controls. These institutions include political affairs, finance, administration, human rights, planning and development, forestry, communications, medical affairs, banking, police, and judiciary sectors that are at least nominally independent from both the Tiger military wing, as well as the Government of Sri Lanka (GSL). Through a series of interviews conducted June 15-August 1 and a trip north along LTTE-controlled A-9 route July 27-29, poloff obtained information about the LTTE's police and judicial systems. According to numerous sources, both institutions seem to be firmly embedded, efficient, and recognized by both LTTE members and independent onlookers. However, critics argue that the lack of democratic accountability within these institutions is detrimental to all those living in Tiger controlled areas. End summary.

Tiger Police Consolidating Control

2. (SBU) According to press reports, the Tiger police force, formed in 1993, now has jurisdiction over all areas under LTTE control. Although the LTTE police have no authority in government-controlled areas, their blue uniforms are prominent in the North and East. According to both embassy contacts and pro-LTTE website Tamilnet, the police force has several units, including traffic, crime prevention, customs, crime detection, external and internal intelligence, administration, and a Special Forces division. There are no accessible records of how many policemen the LTTE employs, but at a June 18 meeting with poloff, Tamil economist and researcher Dr. Muttukishna Sarvanantan conjectured that there are approximately 10,000 LTTE police in the North and East. Numerous interlocutors also told poloff that most LTTE police stations have their own prisons, called Corrective Rehabilitation Centers. Some of these reportedly are open cell prisons, since it is highly difficult to escape through the dense jungle areas under LTTE control.

3. (SBU) At a June 22 meeting, pro-LTTE Tamil journalist V. Thevaraj, editor of the most widely distributed Tamil newspaper, Virakesari, told poloff that war veterans and families loyal to the LTTE receive hiring preference for vacancies in the police, but the Tigers also recruit using the local papers. Thevaraj said the LTTE offers salaries ranging from Rs. 5,000-10,000 (\$50-\$100) per month, along with free meals and a uniform. (Note: In comparison, the average salary for a GSL policeman is \$120 per month. The Tiger military forces receive no wages at all. End note). BBC press reports stated that the LTTE claims to run its own police academy that is capable of training up to 300 recruits at a time.

The Tiger Reserve Force: Uncle Prabhakaran Wants You!

4. (C) Sarvanantan also told Poloff that the LTTE now has an auxiliary police force that seems to function as the Tigers' reserve force. He speculated that due to recruitment difficulties, the LTTE has developed a secondary police force as a way to increase the number of trained troops they have available in case of a break in the ceasefire. Sarvanantan also cited the Karuna split as a driving factor in the LTTE's changes to recruitment procedure. (Note: Karuna was a former LTTE cadre in the East. He broke with LTTE commander Villupali Prabhakaran in 2004 and has taken an unknown number of cadres with him into an anti-LTTE group referred to in the vernacular as the Karuna Faction. End note.) Sarvananthan claimed that the LTTE is now offering 5,000-10,000 rupees (\$50-\$100) a month to new auxiliary recruits, along with a motorcycle and fuel allowance for joining. The LTTE only

requires reserve recruits to attend training once a week in the Wanni, the northern region under Tiger control. Other sources could not confirm the existence of an auxiliary force, but Thevaraj did concur that the LTTE would likely use the police as military troops if hostilities resumed.

Taking a Tiger Size-Bite out of Crime

15. (SBU) B. Nadesan, head of the LTTE police force, has proudly exhibited his police stations and forces to journalists and visitors to Tiger-controlled areas. In a June 21 meeting with poloff, Pro-LTTE Tamil National Alliance (TNA) parliamentarians G.G. Ponnambalam and Joseph Pararajasingham asserted that the LTTE police are efficient, welcoming, and fair in their prosecutions. In press reports, the Tiger Police Force claims to have drastically reduced crime, and accounts from pro-LTTE embassy contacts affirmed that women now feel free to go out late at night without worrying about harassment. (Comment: Each interlocutor used remarkably similar language, perhaps indicating that the LTTE leadership had issued "talking points." End comment.) However, others, including anti-LTTE Eelam People's Democratic Party (EPDP) parliamentarian and Minister for Hindu Affairs Douglas Devananda, argued that LTTE police are poorly educated and hired for loyalty rather than competence. Critics also describe the organization as militant, autocratic and unaccountable. At a June 22 meeting with poloff, Thevaraj, while applauding the LTTE's role in reducing crime, still noted that it is likely that fear of the LTTE police has caused the sharp decrease in crime, rather than an "abnormally competent" police force.

16. (SBU) Nevertheless, some international press articles report that LTTE police pride themselves on being incorruptible, efficient, and fair, which the LTTE have claimed is a marked contrast to Sri Lankan police units. Embassies on the way to Jaffna have observed the Tiger police at checkpoints and traffic stops, and they have said that the police in Tiger areas appear effective and strict. Traffic police armed with laser speedometers gave traffic tickets to anyone who violated their 30 km speed limit. In 2002, an Embassy driver received a speeding ticket from the LTTE traffic police for going approximately 5-10 km over the speed limit and personally paid a 250 Rs. (around \$2.50) fine for the violation. According to another Embassy driver, the LTTE fine has since increased to 1,000 Rs. (about \$10.00). TNA parliamentarians told poloff that even they cannot get out of LTTE traffic fines by bribing police officers, even though they might have been able to do so with GSL police forces.

17. (SBU) In a July 28 meeting, K. Ganesh, the GSL-appointed Government Agent of Jaffna, told poloff that the LTTE is a very disciplined force that is closely observed by their leadership. According to Ganesh, in order to maintain discipline and prevent corruption, Police officials cannot purchase goods from any shop while in uniform nor can they drink liquor. (Comment: Although LTTE police cadres likely face harsh discipline from their leaders if they violate LTTE rules, there is no accountability to the populace at large. End Comment.) At a June 17 meeting, LTTE proponent R. Nimalan Karthikeyan, Assistant Secretary to the National Peace Council, said that the LTTE police are motivated by a genuine desire to serve the people, but even he admitted that the lack of controls and accountability could easily lead to abuses in the future.

Judicial Efficiency Trumps
Independence in LTTE Areas

18. (SBU) According to Thevaraj, the LTTE judiciary, formed in 1990, now has 144 trained lawyers and 22 judges. Media reports said the LTTE even has its own law college and quoted Tiger leaders asserting the capability to train 150 lawyers a year. The LTTE courts and law college are visible from the A9, the main road that connects Colombo with Jaffna and the rest of the North. Thevaraj added that the LTTE also has six different types of courts: a Supreme Court, an Appeals Court, a Special Court, a High Court, and both Criminal and Civil District Courts. He explained the structural system of the LTTE judiciary to poloff: The Supreme Court is the final appellate court that can overturn decisions from the Court of Appeals and Special Courts. Prabhakaran appoints all five Supreme Court justices and the three judges on the Court of Appeals. The High Court has the jurisdiction to try capital cases such as treason, murder, rape, and arson. The Chief Justice of the Supreme Court appoints the High Court Justice and the district level judges in consultation with the LTTE's Judicial Administration Division. (Note: The structure of the GSL court system is nearly identical except the GSL has magistrate courts that assign cases to the district or higher-level courts and more specialized labor and traffic courts. End Note.) In total there are 6 LTTE district

courts, and, E. Pararajasingham, the head of the judicial system, claims to have tried 32,000 cases in the district courts and 1,500 cases in the Appeals court. All lawyers and judges are LTTE cadres, and LTTE loyalists can appeal to Prabhakaran himself for a final judgment. It is unclear whether non-LTTE cadres enjoy the same right. Thevaraj concluded by adding that defendants do not have the right to a court-appointed pro bono lawyer under LTTE courts, although lawyers are forbidden to charge more than 500 Rs. (\$5) to represent a client, and most lawyers receive only 150 Rs. (\$1.50) per case.

19. (SBU) Karthikeyan noted that Tiger law and jurisprudence are a derivative of Roman and Dutch law called Thesalumi Law. According to S. Thambirajah, librarian at the International Center for Ethnic Studies, LTTE laws are much less discriminatory towards women than traditional Tamil laws. He cited examples: LTTE courts recognize the right of women to sell their own property and to divorce their spouses, which is not a right Sri Lankan Tamils have recognized in the past. Also, the LTTE has outlawed caste discrimination, which is still prevalent in other parts of Tamil society. Thambirajah noted, however, that most cases tried by the courts are land disputes, divorces, and alcohol abuse cases. Some Embassy contacts said that LTTE civilian courts are much faster than Sri Lankan government courts. For example, simple property disputes in government courts could take from one to ten years to settle, whereas LTTE courts consistently settled disagreements in one court date and often mediate disputes rather than proffering court rulings. Yet Thambirajah added the caveat that LTTE lawyers and judges are poorly qualified and lack the independence essential to a democratic system.

10. (SBU) On the other hand, according to Thevaraj and Savarantan, most civilians avoid bringing forth criminal cases in LTTE courts, perhaps due to the potential for harsh penalties. Thevaraj says that the LTTE claims that only four people have been executed for capital crimes, but this number does not include the well-documented number of cases where people have been put to death in the separate military courts or those executed without a trial. (Note: Throughout its history, the LTTE has demonstrated a ruthless intolerance for dissent through the use of extrajudicial killings, torture, intimidation, and terror directed at the GSL, those within the LTTE seen as traitors to the cause, anti-LTTE Tamils, and innocent by-standers. End note.)

Comment

11. (C) The LTTE's police and judicial institutions appear to efficiently deliver basic political and functional services. However, the assertion that all lawyers and judges are themselves LTTE cadres calls into obvious question whether everyone, including those opposed to the LTTE, receives equal treatment under LTTE law. LTTE apologists hold up the speedy "justice" meted out in the Tiger courts as an enviable alternative to the cumbersome, slow-moving GSL legal system. But dispensing swift justice is easy when there is a limited regard for constraining factors like rules of evidence, the rights of the accused, habeas corpus and impartiality, especially when all judges in the end are answerable only to LTTE leader Prabhakaran. The real goal of LTTE courts seems to be distinction from the Sri Lankan courts through the use of speed and perceived efficacy, which is appealing to people looking for arbitration or hoping to settle small claim civil disputes. However, process and fairness appear less of a priority than proving to the public that the LTTE is capable of filling a power vacuum in areas where the GSL does not function.

12. (C) For LTTE propagandists, the Tiger police and judiciary support the LTTE's claim to Eelam, or an independently governed homeland. However, the LTTE legal system's lack of independence from the military leadership, its deficiency of accountability, and its failure to allow Muslim or non-Tamil representation are indicative of the LTTE's authoritarian and militaristic organizational culture. The current problems within the LTTE police and judiciary structures give a pretty good idea of what any LTTE-controlled government or state would be like: despotic and undemocratic.

ENTWISTLE